

FORM PTO-1390  
(REV 12-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEYS DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

033171-89

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/542729

INTERNATIONAL APPLICATION NO.

PCT/DE2004/000306

INTERNATIONAL FILING DATE

19 FEBRUARY 2004

PRIORITY DATE CLAIMED

20 FEBRUARY 2003

TITLE OF INVENTION FUEL CELL STACK

APPLICANT(S) FOR DO/EO/US Michael STELTER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
  2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
  3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
  4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
  5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
    - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
    - b. ☒ has been communicated by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
    - a. ☒ is attached hereto.
    - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
  7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
    - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
    - b. ☐ have been communicated by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☐ have not been made and will not be made.
  8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11 to 20 below concern document(s) or information included:**
11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☒ A **FIRST** preliminary amendment.
  14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
  15. ☒ A substitute specification and mark-up specification.
  16. ☐ A change of power of attorney and/or address letter.
  17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
  18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
  19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
  20. ☒ Other items or information: Copy of International Search Report in English; Application Data Sheet and Five Sheets of Drawings (Figs. 1-7)

|   |  |  |  |                                      |  |
|---|--|--|--|--------------------------------------|--|
| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50)<br><b>10/542729</b> |  | INTERNATIONAL APPLICATION NO.<br>PCT/DE2004/000306 |  | ATTORNEYS DOCKET NUMBER<br>033171-89 |  |
|---|--|--|--|--------------------------------------|--|

21. The following fees are submitted:

|  |                            |   |            | CALCULATIONS           | PTO USE ONLY |
|--|----------------------------|---|------------|------------------------|--------------|
| <input checked="" type="checkbox"/>  | a) Basic national fee..... | \$300.00  |            | \$300.00               |              |
| <input checked="" type="checkbox"/>  | b) Examination fee.....    | \$200.00  |            | \$200.00               |              |
| <input checked="" type="checkbox"/>  | c) Search fee .....        | \$500.00  |            | \$500.00               |              |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |                            |   |            | <b>\$1000.00</b>       |              |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. |                            |   |            |                        |              |
| Total Sheets   | Extra sheets               | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE       |                        |              |
| 16- 100 =  | /50 =                      |   | x \$250.00 | \$0                    |              |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |                            |   |            | \$0                    |              |
| CLAIMS   | NUMBER FILED               | NUMBER EXTRA  | RATE       |                        |              |
| Total claims   | 7- 20 =                    | 0   | x \$50.00  | \$0                    |              |
| Independent claims   | 1- 3 =                     | 0   | x \$200.00 | \$0                    |              |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |                            |   |            | + \$360.00             | \$0          |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |                            |   |            | <b>\$1,000.00</b>      |              |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |                            |   |            | \$0                    |              |
| <b>SUBTOTAL =</b>  |                            |   |            | <b>\$1,000.00</b>      |              |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |                            |   |            | \$0                    |              |
| <b>TOTAL NATIONAL FEE =</b>  |                            |   |            | <b>\$1,000.00</b>      |              |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +   |                            |   |            | \$ 40.00               |              |
| <b>TOTAL FEES ENCLOSED =</b>   |                            |   |            | <b>\$1,040.00</b>      |              |
|  |                            |   |            | Amount to be refunded: | \$           |
|  |                            |   |            | Amount to be charged:  | \$           |

a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 19-2380(033171-89) in the amount of \$1,040.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2380(033171-89). A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

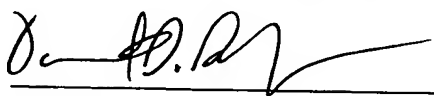
**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**NIXON PEABODY LLP**  
 401 9<sup>th</sup> Street, N.W.  
 Suite 900  
 Washington, D.C. 20004-2128  
 Date: July 20, 2005

  
 \_\_\_\_\_  
 SIGNATURE  
  
David S. Safran  
 NAME  
  
27,997  
 REGISTRATION NUMBER